

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELMAR P. GRAY,

Plaintiff,

v.

CHARLES HINSLEY, *et al.*,

Defendants.

Case No. 04-cv-118-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 27) of Magistrate Judge Donald G. Wilkerson recommending that the Court grant the motion to dismiss filed by defendants Charles Hinsley and Terry Caliper (Doc. 16) and dismiss the claims in Count II against those defendants in their official capacities.

After reviewing a magistrate judge’s report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the Report in its entirety (Doc. 27), **GRANTS** the motion to dismiss (Doc. 16), **DISMISSES with prejudice** the official capacity claims in Count II against defendants Hinsley and Caliper and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case.

IT IS SO ORDERED.

DATED: July 13, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE